

CHAPTER 4

PUBLIC ENTERTAINMENT

ARTICLE I GENERAL

SECTION 4-0: APPLICABILITY

The provisions of this article shall apply to all forms of public entertainment held, conducted, or operated within the geographical boundaries of the Village of Lena.

SECTION 4-1: DEFINITIONS

The following definitions shall apply to the terminologies indicated whenever they are used in this Chapter. (Amended 03/14/05 and 07/09/12)

“AMUSEMENT DEVICE” Shall mean any table game, machine, apparatus, contrivance, appliance or device, which may be operated or played involving, in its use, either skill or chance, including, but not limited to, and without limitation, any pool table, billiard table, bumper pool, tape machine, card machine, bowling game machine, shuffle board machine, marble game machine, horse racing machine, basketball machine, baseball game machine, football game machine, foosball table, dart game, musical dancing games, or any other similar mechanical or electronic game, machine or device (hereinafter referred to as “Amusement Device” or as “Device”).

“AMUSEMENT DEVICE” Shall also include by definition **“Electronic Amusement Devices”**, defined as follows: **“Electronic Amusement Device”** Shall mean any electronic device, which, upon the insertion or other use of a coin, token, prepaid card, slug, other mechanical or electrical device or the payment of a fee in some other manner, may be used by the public for use as a game, entertainment, amusement, test of skill, either mental or physical, whether or not registering a score. Without any limitation on the foregoing, Electronic Amusement Devices shall include, but not be limited to arcade-type video games, pinball machines, musical dancing games and the like. Electronic Amusement Devices shall not include billiard tables and other similar table games.

“AMUSEMENT DEVICE” Shall further include by definition **“Table Games”**, defined as follows: **“Table Games”** Shall mean games such as billiards, pool, foosball, table tennis, air hockey and the like that are primarily played on a table whether activated manually or by the insertion of a coin, token, prepaid card, slug, or other mechanical or electronic devices. Table Games shall not include pinball, video games and other Electronic Amusement Devices.

“SIMULATED GAMBLING DEVICES” Shall mean any electronic or mechanical device, which, upon the insertion or other use of a coin, token, prepaid card, slug, other mechanical or electrical device, whether payment of fee in some manner, may be used by the public for use as a game, entertainment, amusement, test of skill, either mental or physical, which simulates any gambling or casino game, including, but not limited to, video poker, video blackjack, roulette, slot machine, or any other casino type game.

“OPERATOR” Any person or organization who sets up for operation any amusement device, coin-operated or not, or any form or application of public entertainment, whether such setting up for operation, leasing, renting or distributing be for a fixed charge or rental or on the basis of a division of the income derived from such machine or device or otherwise; as well as any person or organization who operates said device or form of public entertainment after it has been set up and/or made operational.

“LICENSE” An official document issued by the Village as proof of permission granted to use or conduct a specific device or function. Licenses issued under the authority of this Chapter shall be issued on an annual basis and expire on the 30th day of April next following the date of issuance. Licenses cannot be transferred between individuals and/or enterprises.

“PERMIT” Official permission granted to conduct a specific event or activity on a temporary or one-time basis. A permit will normally be in the form of an approved application. Permits are required to be in the possession of the applicant, but not exhibited. Permits will automatically expire at the conclusion of the permitted event/activity.

“VIDEO GAMING TERMINAL” Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, authorized by the [Illinois Gaming Board] utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash; provided, however, such term does not include a machine that directly dispenses coins, cash, or tokens for amusement purposes only. (07/09/12)

“TERMINAL OPERATOR” An individual, partnership, or corporation that is licensed under the Act and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed fraternal establishments, licensed veterans establishments, or licensed truck stop establishments. (07/09/12)

“LICENSED ESTABLISHMENT” Any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises; provided, however, such term does not include a facility operated by an organization licensee, an inter-track wagering licensee, or an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a river boat licensed under the Riverboat Gambling Act. (07/09/12)

“LICENSED FRATERNAL ESTABLISHMENT” As the location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets. (07/09/12)

“LICENSED TRUCK STOP ESTABLISHMENT” A facility that is at least a 3-acre facility with a convenience store and with separate diesel islands for fueling commercial motor vehicles and parking spaces for commercial motor vehicle as defined in Section 18b-101 of the Illinois Vehicle Code. (07/09/12)

SECTION 4-2: LICENSE/PERMIT REQUIRED; AUTHORIZATION

It shall be unlawful to conduct, operate or make available to the public any form of public entertainment without first having secured a license or permit therefore as required. No license or permit shall be granted for any public entertainment in any form on any street, sidewalk, establishment or in any other place, except on approval of the President and Board of Trustees.

SECTION 4-3 through 4-9: RESERVED

ARTICLE II LICENSES

SECTION 4-10: LICENSE APPLICATIONS

All applications for license required by this Chapter shall be made in writing to the Village Clerk. Applications submitted shall contain at a minimum the name and address of the applicant; the name of the device, machine or game owner; and the location where the machine, device or activity is to be used and/or maintained.

SECTION 4-11: LICENSES

Licenses issued pursuant to this Article shall not be assignable or transferable except for replacement of like machines. The license provided for in this Article shall not authorize the operation of any automatic payoff machine or device. Once issued, the license certificate shall be displayed conspicuously for public preview. If an establishment or business that is licensed for any or all of the approved devices, machines, and/or games changes ownership more than 30 days before the date of expiration, a replacement licenses shall be issued at no charge for the duration of the licensing period. Any change of ownership 30 days or less before the date of expiration shall be considered to be the beginning of a new licensing period.

SECTION 4-12: HOURS OF OPERATION

Any business or establishment in which any form of public entertainment is provided shall be closed between the hours of 1:00 a.m. and 6:00 a.m. daily.

SECTION 4-13: FEES; RENEWAL

All fees applicable shall be payable at time of application; once paid, there shall be no rebate or refund. The application fees for public entertainment licenses shall be as follows:

- (1) Bowling Alleys.....\$5.00 per lane;
- (2) Amusement Devices, Electronic Amusement
Devices and Simulated Gaming Devices.....\$25.00 per device; and
- (3) Table Games.....\$5.00 per table.

Renewal fees are due annually at the expiration of the license term.

SECTION 4-14 through 4-20: RESERVED

BOWLING ALLEYS

SECTION 4-21: INFORMATION

In addition to any and all applicable requirements in Article I, the application shall indicate whether coin-operated amusement devices and/or pool tables will be included in the bowling alley's operation and the number of each type of device and/or table to be included. The stipulations in Section 4-30 shall apply and be complied with.

SECTION 4-22: SAFETY

Bowling alleys will be operated in compliance with all state fire and safety regulations. State fire inspection certificates shall be displayed conspicuously for public review.

SECTION 4-23: ALCOHOL

The sale of alcoholic beverages shall be in compliance with Chapter 3. Liquor licenses shall be displayed conspicuously for public review.

SECTION 4-24 through 4-29. RESERVED

AMUSEMENT DEVICES, ELECTRONIC AMUSEMENT DEVICES, SIMULATED GAMING DEVICES

SECTION 4-30: AMUSEMENT DEVICES; NUMBER PERMITTED; DENIAL

Amusement Devices; Number Permitted; Denial. In addition to any and all applicable requirements in Article 1, the number of Amusement Devices, including Electronic Amusement Devices and Table Games permitted in any building or on any business premises at any one time shall not exceed six (6) without prior approval of the Board of Trustees. Such approval may be granted at the sole discretion of the Board upon submission and review of a written application by a person already holding a license for the operation of such machines, or contemporaneously applying for such a license. In no event shall approval for additional Amusement Devices, including Electronic Amusement Devices and Table Games be granted to any person who has been found in violation of this Chapter within one (1) year immediately preceding the date of such application.

SECTION 4-31: SIMULATED GAMBLING DEVICES; NUMBER PERMITTED; DENIAL

Simulated Gambling Devices; Number Permitted; Denial. In addition to any and all applicable requirements in Article 1, the number of Simulated Gambling Devices permitted in any building or on any business premises at any one time shall not exceed three (3) without prior approval of the Board of Trustees. Such approval may be granted at the sole discretion of the Board upon submission and review of a written application by a person already holding a license for the operation of such machines, or contemporaneously applying for such a license. In no event shall approval for additional Simulated Gambling Devices be granted to any person who has been found in violation of this Chapter within one (1) year immediately preceding the date of such application.

SECTION 4-32 through 4-36. RESERVED

POOL TABLES

SECTION 4-37: MINORS

In addition to any and all applicable requirements in Article I, minors under the age of 16 years shall not be permitted to use any public billiard or pool table without the written consent of a parent or guardian.

SECTION 4-38 through 4-43. RESERVED

ARTICLE III PERMITS

SECTION 4-44: AUTHORIZATION

All applications for permits required by this Chapter shall be made in writing to the Village Clerk. Only public entertainment such as, but not limited to, carnivals, parades, festivals, outdoor bands, ground vehicle shows, foot or bicycle races shall be permitted to operate or be conducted under the authority of a permit. Permits will be issued on the basis of the event. (Amended 8/8/05) (Amended 2/13/06)

SECTION 4-45: SPONSORSHIP

All public entertainment events shall have a Village-based sponsor. Sponsors shall be responsible for insuring that event owner, promoters, and concessionaires are aware of and operate and/or conduct the event and associated concessions in compliance with all applicable county, state, and Village statutes.

SECTION 4-46: APPLICATION

Applications submitted shall contain at a minimum a brief description of the event, the name and address of the applicant, the name and address of the sponsor; the location at which the event will take place, and the date and time of activity. Applications shall be filed no later than one (1) Board meeting, nor more than three (3) Board meetings before the event date. Sponsors should be able to present a scope or plan of operations if required, and be able to assure the Board that all financial obligations are provided for. Permits will consist of an approved permit application and are not required to be displayed.

SECTION 4-47: INSURANCE

Event sponsors, promoters, owners, and private concessionaires shall be solely responsible for any and all liability issues and protection. The Village does not have and shall not provide any special event insurance for any permitted event.

SECTION 4-48: RECOVERY

Event sponsors shall be responsible for all cleanup recovery operations and costs. The sponsor shall also be liable for damages or losses incurred as a result of the event.

**ARTICLE IV
VIDEO GAMING TERMINLS**

SECTION 4-49: IMPOSITION OF ANNUAL FEE

Commencing upon adoption of this ordinance, an annual fee of Twenty-Five Dollars (\$25.00), is hereby imposed upon each video gaming terminal operated by a licensed establishment, licensed fraternal establishment, licensed veterans establishment, licensed truck stop establishment within the Village of Lena in accordance with the provisions of the Illinois Gaming Act, 230 ILCS 4011 et. Seg. (the "Act"). The fee paid for each video gaming terminal shall be for the fiscal year May 1 through April 30, and the fee paid during a fiscal year shall apply until the end of the fiscal year in which paid. Any continuing operation of a video gaming terminal shall require the payment of a new annual fee on or before May 1 of each year for the ensuing fiscal year.

SECTION 4-50: APPLICATION FOR PERMIT

Every licensee shall make application to the Village Clerk's office for a permit, and shall pay the annual fee for each video gaming terminal operated. The application shall designate the name of the licensee, the location of the licensed establishment operating the video gaming terminal, the number of the video gaming terminals operated at that location, and shall include a copy of the license issued by the State of Illinois for the operation of the video gaming terminal. No permit shall be issued to any person whose video gaming terminal is not licensed by the State of Illinois for the location for which the permit is sought.

SECTION 4-51: LIMITATIONS UPON PLACEMENT

No video gaming terminal permit shall be issued to, and no video gaming terminal shall be placed or operated within, a location that does not also have issued to it a license of the sale of alcoholic beverages at retail by the drink for consumption on the premises. Notwithstanding any greater limit which may from time to time be established by the Illinois legislature, no more than six (6) video gaming terminals shall be allowed, nor permits be issued therefore, under this ordinance for each licensee at any one location.
(Amended 03/09/20)

SECTION 4-52: PLAY BY MINORS PROIBITIED; PENALTIES

No person under the age of twenty-one (21) years shall be permitted to use or play a video gaming terminal, and any licensee who shall suffer or permit a person under the age of twenty-one (21) years to use or play a video gaming terminal shall be subject to fine or have his or her licenses issued under this Chapter suspended or revoked.

SECTION 4-53: PENALTY FOR VIOLATION

Any person, firm or corporation violating the provisions of this ordinance by operation of a video gaming terminal without having obtained the permit and paid the annual fee therefore, or by operating a video gaming terminal in violation of any provision of this ordinance, shall be guilty of a petty offense, and shall be fined an amount not to exceed \$500.00 for each such offense, and the license or licenses shall be subject to suspension or revocation. Each day that a video gaming terminal is operated in violation of this ordinance shall constitute a separate offense.

SECTION 4-54: INSEPTION OF RECORDS

Each licensee shall permit the inspection of the book and records of the licensee pertaining to and reflection operation of each video gaming terminal of the licensee at the request of any law enforcement officer of the Village or the State of Illinois at all reasonable times.

SECTION 4-55 through 4-98. RESERVED

**ARTICLE V
PENALTIES**

SECTION 4-99: PENALTIES

Any person, firm, or corporation, violating any provision of this Chapter, shall be fined \$100.00 - \$500.00.

Each day a continuing violation exists may be deemed a separate offense.